

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY, SEPTEMBER 3, 2003
MAINE EMS CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON OCTOBER 1, 2003**

MEETING MINUTES

Present: R. Doughty, S. Leach, C. Pillsbury, A. Azzara

Staff: D. White, D. Kinney

1. Call To Order: The meeting was called to order at 11:45 a.m.

A. Additions/Deletions to the Agenda – Follow up on Case #02-01

2. Investigations

A. Requests for Investigations & follow up on case #02-01

B. Follow - up on Case #02-05

The Committee entered executive session for the purpose of discussing investigations:

***Motion: To enter executive session for the purpose of discussing investigations
(Doughty;Leach – motion carries)***

The Committee entered executive session at 11:46 a.m. and exited at 12:06 p.m.

***Motion: Inre: Case # 02-01, that the Committee requests that the Attorney General
Representative negotiate terms of a consent agreement in accordance with guidelines set forth
in executive session (Doughty; Pillsbury – motion carries).***

***Motion: That the subject of investigation # 02-05 willfully violated Maine EMS Rules §11.A.2
– violating a lawful order, regulation or rule of the Board, and §11.A.5 – acting in ways
which are dangerous or injurious to the public as evidenced by the licensee's operation of an
ambulance vehicle in emergency mode (i.e. reds flashing lights or red flashing lights with
siren sounding) when no emergency existed; that the violation is mitigated in that the subject
has expressed remorse for the subject's actions and in that the licensee otherwise has a 16
year unblemished record as an EMS provider; that attempts to resolve this matter by consent
agreement have been unsuccessful; and that the subject's Maine EMS license be suspended
for a period of 90 days and that the subject pay a fine of \$750.00. (Doughty; Pillsbury –
motion carries).***

C. Informal Conference – Case # 03-13

The Committee entered executive session for the purpose of conducting an informal conference with the subject of case 03-13.

Motion: To enter executive session for the purpose of holding an informal conference inre: Case #03-13 (Doughty;Azzara – motion carries)

The Committee entered executive session at 1:09 p.m. and exited at 2:06 p.m.

Motion: That the committee finds in case #03-13 that Licensee violated Maine EMS Rules (dated July 1, 2000) §11.A.2 - Violating a lawful order, regulation, or rule of the Board, §11.A.7(b) - Incompetent practice. A licensee shall be deemed incompetent in the practice if the licensee has engaged in conduct which evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which he is licensed and §11.A.18 - The practice of fraud or deceit in connection with service rendered within the scope of the license issued; that the violations are based upon Licensee's endorsement of an EMT-Basic student's blank clinical record forms, said forms that were used in an attempt to fulfill the requirement's of an EMT-Basic training program; that mitigating circumstances include that Licensee has a 10+ years of unblemished service to the EMS system, that Licensee's service, regional office and Community College indicate support for Licensee, that the committee is satisfied that no intent existed by Licensee to deceive or defraud the EMS system, and that the incident is isolated without likelihood of recurrence. Therefore, the Committee directs that Licensee receive a Letter of Warning in his capacity as a licensed EMS provider and preceptor and – in his capacity as a Maine EMS certified Instructor Coordinator – that he be issued a Letter of Reprimand for his actions, said Letters of Warning and Reprimand to serve a resolution in this matter (Pillsbury; Azzara 3-1, motion carries with Doughty opposed).

Motion: To refer the information contained in case #03-13 to the Maine State Board of Nursing (Pillsbury; Leach – motion carries.)

3. Applications

A. Andrew Howell

Applicant Howell reported a 2001 Operating Under the Influence conviction. Mr. Howell provided documentation concerning the offense.

Motion: That the committee finds that Applicant violated Maine EMS Rules (dated July 1, 2000) §11.A.5 – Acting in ways which are dangerous or injurious to the public;

that the violation is based upon Applicant's 2001 conviction for Operating Under the Influence; that the Committee proposes to resolve this matter by consent agreement with Applicant; that provisions of the consent agreement include that Licensee will pay the sum of \$105.00 to Maine EMS to cover the cost of State Bureau of Identification checks to be performed during the term of the consent agreement; and that Licensee will surrender any EMS license issued should the applicant be charged with any alcohol related crime in any state or Federal court, term of said consent agreement to be 3 years (Doughty; Pillsbury - motion carries).

B. Stephanie Pooler

Applicant Pooler reported a 1996 conviction for Assault, Class D. The Committee reviewed the information provided.

Motion: That the Committee finds that Applicant Stephanie Pooler's 1996 conviction for Assault, Class D, constitutes a violation of Maine EMS Rules §11.A.5 – Acting in ways which are dangerous or injurious to the public; that mitigating circumstances include no other convictions since 1996, and applicant has taken positive steps in employment and education since her conviction; that, pending the results of the current State Bureau of Identification check, the Committee proposes to issue a license by consent agreement with Applicant; that provisions of the consent agreement include that applicant will pay the sum of \$105.00 to Maine EMS to cover the cost of State Bureau of Identification checks to be performed during the term of the consent agreement; and that Licensee will surrender any EMS license issued should Applicant be charged with any crime in any state or Federal court, term of said consent agreement to be 3 years (Azzara; Doughty – motion carries)

C. Nathan Sessions

Applicant Sessions reported 1996 convictions for Criminal Trespass, Class E and Theft Class D, and 1997 convictions for Theft and Forgery.

Motion: To table this matter until the results of a State Bureau of Identification search have been received by Maine EMS, and upon receipt of said check, to schedule an informal review in this matter (Doughty; Leach – motion carries).

D. Nelson Bowden

Applicant Bowden reported 2002 convictions for Operating After Suspension, Class D. Mr. Bowden provided documentation concerning the offense.

Motion: That the committee finds that Applicant violated Maine EMS Rules (dated July 1, 2000) §11.A.5 – Acting in ways which are dangerous or injurious to the public; that the violation is based upon Applicant's 2002 convictions for Operating After

Suspension, Class D; that the Committee proposes to resolve this matter by consent agreement with Applicant; that provisions of the consent agreement include that Licensee will pay the sum of \$105.00 to Maine EMS to cover the cost of State Bureau of Identification checks to be performed during the term of the consent agreement; and that Licensee will surrender any EMS license issued should the applicant be charged with any crime in any state or Federal court, term of said consent agreement to be 3 years (Doughty; Azzara - motion carries).

4. Other - Criminal Convictions Matrix – Not taken up.

5. Next Meeting

The next meeting was scheduled for Wednesday, October 1, 2003 after the Maine EMS Board meeting.

6. Adjourn – The meeting was adjourned at 2:35 p.m.

Respectfully submitted,

Drexell White, Licensing Agent